

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CAROLYN MARIE DINGES, }
Petitioner, }
v. } Civil Action No. 07-52 Erie
SUPERINTENDENT WINSTEAD, }
et al., }
Respondents. }

MEMORANDUM ORDER

This case was transferred from the United States District Court for the Eastern District of Pennsylvania on March 23, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [7], filed on February 4, 2009, recommends that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability also be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Cambridge Springs, where she is incarcerated. To date, Petitioner has filed no objections to Chief Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of April, 2009;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DENIED. Inasmuch as the Petitioner has not made a substantial showing of the denial of a constitutional right, IT IS FURTHER ORDERED that a certificate of appealability is also denied.

The Report and Recommendation of Chief Magistrate Judge Baxter [7],
filed on February 4, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge